



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 22 2007

OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED
Cert. No. 7004-1160-0004-8430-8121

In Reply Refer To:
EPA File No: 01R-04-R10

Peter A. Huhtala
Executive Director
Columbia Deepening Opposition Group
P.O. Box 682
Astoria, Oregon 97103

Oliver Waldman
Executive Director
Salmon for All
P.O. Box 56
Astoria, Oregon 97103

Re: Rejection of Administrative Complaint No. 01R-04-R10

Dear Mr. Huhtala and Mr. Waldman:

This is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) is rejecting your administrative complaint dated January 20, 2004, which OCR received on January 22, 2004. Your complaint generally alleged that the U.S. Army Corps of Engineers, Oregon Department of Environmental Quality, Washington Department of Ecology, and the Oregon Department of Land and Conservation and Development (DLCD) have violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and EPA's regulations implementing Title VI, found at 40 C.F.R. Part 7.

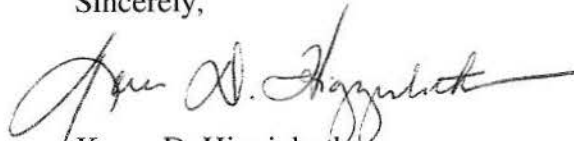
OCR is responsible for processing and investigating complaints of discrimination filed against programs or activities that receive financial assistance from EPA. Pursuant to EPA's Title VI regulations, OCR conducts a preliminary review of Title VI complaints for acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the Part 7 regulations. 40 C.F.R. § 7.120. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, would violate EPA's Title VI regulations (*i.e.*, an alleged discriminatory act based on race, color, or national origin). Third, it must be filed within 180 days of the alleged discriminatory act. Finally, because EPA Title VI

regulations apply to applicants for or recipients of EPA financial assistance, the complaint must be filed against an EPA recipient that allegedly committed the discriminatory act. 40 C.F.R. § 7.15. (A copy of EPA's nondiscrimination regulations is enclosed for your convenience.)

On July 24, 2006, OCR sent a letter that rejected part of your complaint because it did not meet the jurisdictional requirement for timeliness. In that letter, OCR requested that you provide the date when DLCD issued a removal and/or fill permit for the channel deepening project. We requested the information be sent to OCR within 30 days of your receipt of the letter. To date, OCR has not received information in response to our request for clarification. Your complaint does not provide the date of the alleged discriminatory act, and you have not subsequently provided OCR with any additional information on the date of the alleged discriminatory act. Since OCR cannot determine whether your complaint meets EPA's jurisdictional requirements, OCR is formally rejecting your complaint in its entirety.

If you have any questions, please contact Ms. Helena Wooden-Aguilar of my staff by telephone at (202) 343-9681, by e-mail at Wooden-Aguilar.Helena@epa.gov, or by mail to the U.S. EPA Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,



Karen D. Higginbotham
Director

Enclosure

cc: David D. Hlebechuk, Assistant District Counsel
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Lane Shetterly, Director
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Stephen G. Pressman, Associate General Counsel
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Office of General Counsel (2399A)

Melanie Wood, Title VI Coordinator
EPA Region 10